

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-131

v.

HON. JANET T. NEFF

ANDREW JAMES SINADINOS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Andrew James Sinadinos has filed a motion for modification or reduction of sentence (Dkt 55) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 58), and Defendant has filed a Response (Dkt 65) agreeing with the conclusion of the probation department.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Defendant appears to be ineligible for a reduction in sentence pursuant to the policy statements of the U.S. Sentencing Commission because under the new calculation, Count 7, Felon in Possession of a Firearm, produces a higher total offense level and does not result in a lower

guideline range. Defendant wishes to preserve the issue for future consideration should the law change. See *Cvijetinovic v. Eberlin*, 617 F.3d 833, 840 (6th Cir. 2010).

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 55) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: July 31, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge